

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1252 of 1989

WITH

CRA NOS.1253, 1255 to 1261 and 1263 and 1264 of 1999

Hon'ble MR.JUSTICE Y.B.BHATT

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

G E B

Versus

JOSHI GOVIND RANCHHOD

Appearance:

NOTICE SERVED for Petitioner

NOTICE SERVED for Respondent

CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 14/12/1999

COMMON ORAL JUDGEMENT

1. These are revision applications filed by the Gujarat Electricity Board under section 115 of CPC, arising from the judgement and orders passed by the lower appellate court in appeals under Order 43, Rule 1, CPC, from orders of the trial court under Order 39, Rule 1 CPC.

2. The record of the Registry discloses the following facts:

2.1 These are revision applications which are by now old matters having been filed in the year 1989, arising from the original suits filed in the trial court in the year 1987.

2.2 The applicant in the present revisions had filed these revisions, through advocate Shri B.C. Patel, who was thereafter elevated to the Bench of this court. The Registry, therefore, issued notices in each of these revisions to the applicant Board. Notices were served in each of these matters upon the petitioner Board, and were accepted on behalf of the Board by the Deputy Superintendent Engineer, Gujarat Electricity Board, Division Jamkhambalia on 12th July 1990.

2.3 Since rule had been issued in the revision applications, respondents were also served in due course. However, neither the applicant in these revisions, nor the respondents in each of these revisions have filed any appearance so far.

3. From the nature of the dispute between the parties, and from the nature of the interim order in these revisions, it appears to me that the parties are no longer interested in pursuing the present revision applications, possibly because the suit is either disposed of or has become infructuous, looking to the orders which may have been passed by the Industrial Tribunal.

4. The dispute in the suits, in the interim applications, and also in the present revisions arises from a consideration of the question of whether the jurisdiction of a civil court in such cases is barred, where admittedly there is a relationship of employer and employee between the parties and a remedy is available under the Industrial Disputes Act.

5. An interim order passed in these revisions on 1st February 1990, after issuing rule and granting ad interim relief, goes on to state as under:

"However, petitioner shall act only in accordance with the award passed by the Industrial Tribunal, Ahmedabad in Reference (IT) No.878/84 and according to its policy laid down in various circulars not to terminate the services of those

who have completed particular days of service on
Nominal Muster Role (N.M.R.)".

6. In view of the aforesaid facts which are apparent
on the record of these revisions, it appears that neither
the applicants nor the opponents are interested in
proceeding with these revisions. These revisions are
accordingly disposed of. Rule is discharged with no
order as to costs. Ad interim relief stands vacated.
